

COLT B. DODRILL, ESQ.
Nevada Bar No. 9000
WOLFE & WYMAN LLP
6757 Spencer St.
Las Vegas, NV 89119
Tel: (702) 476-0100
Fax: (702) 476-0101
cbdodrill@wolfewyman.com

**Attorneys for Plaintiffs
DITECH FINANCIAL LLC and
FEDERAL HOME LOAN MORTGAGE
CORPORATION**

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DITECH FINANCIAL LLC; FEDERAL HOME
LOAN MORTGAGE CORPORATION, a
government-sponsored entity,

CASE NO. 2:17-CV-02698-RFB-NJK

Plaintiffs.

[PROPOSED] DEFAULT JUDGMENT

ASAI LLC

Defendant.

The Court after review and consideration of Plaintiffs Ditech Financial LLC’s (“Ditech”) and Federal Home Loan Mortgage Corporation’s (“Freddie Mac”) Application for Default Judgment (ECF No. 14.) the pleadings and papers on file herein, and good cause appearing, hereby enters Default Judgment in favor of Ditech and Freddie Mac and against Defendant ASAL LLC (“ASAL LLC”) on the declaratory relief and quiet title causes of action or claims for relief under 12. U.S.C. § 4617(j)(3) as alleged in the Complaint as follows:

THE COURT FINDS that 12. U.S.C. § 4617(j)(3) preempts NRS 116.3116 to the extent that an NRS 116 foreclosure sale can extinguish Freddie Mac's property interest while Freddie Mac is under conservatorship of the Federal Housing Finance Agency ("FHFA").

THE COURT FURTHER FINDS that Freddie Mac had a protected property interest under 12. U.S.C. § 4617(j)(3) and that FHFA did not consent to foreclosure or extinguishment of Freddie

1 Mac's protected property interest.

2 THE COURT FURTHER FINDS that Ditech, as Freddie Mac's servicer, has standing to
3 protect Freddie Mac's interest in the Deed of Trust.

4 NOW WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Freddie Mac's
5 Deed of Trust recorded on January 12, 2007 in the Office of the Clark County, Nevada Recorder as
6 Book and Instrument Number 20070112-0004457 (the "Deed of Trust"), and against the property
7 located at 1404 Kilamanjaro Lane #203, Las Vegas, Nevada 89128 (138-28-513-273), which is
8 legally described in the Deed of Trust (hereinafter the "Property"), was not extinguished by that
9 NRS 116 Foreclosure Deed recorded on February 11, 2016 in the Office of the Clark County,
10 Nevada Recorder as Book and Instrument Number 20160211-0002341.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Deed of Trust
12 continues to remain a valid encumbrance against the Property and that any interest acquired by
13 Desert Rain, and/or its successors or assigns, remains subject to the Deed of Trust.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Lis Pendens recorded
15 on November 6, 2017 as Instrument Number 20171106-0002793 is hereby expunged.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Amended Lis Pendens
17 recorded on February 8, 2018 as Instrument Number 20180222-0004197 is hereby expunged.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this shall be a
19 final judgment of this Court. The Clerk is instructed to close this case.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Judgment may be
21 recorded in the Official Records of the Clark County Recorder.

22 IT IS SO ORDERED, ADJUDGED AND DECREED.

23
24 DATED: November 6, 2018.


25 RICHARD F. BOULWARE, II
26 UNITED STATES DISTRICT JUDGE
27
28